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2004 OCT 21 2 04
U.S. DISTRICT COURT
DISTRICT OF MASS.
CRIMINAL #04-10288-NG
DATE: 10/22/04
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CRIMINAL #04-10288-NG

UNITED STATES

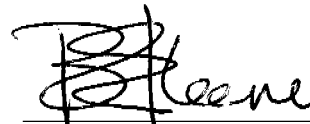
v.

CARLOS ESPINOLA

DEFENDANT'S MOTION TO DISMISS INDICTMENT WITH PREJUDICE

Carlos Espinola, defendant in the above-captioned criminal case, hereby moves this Court, pursuant to 18 U.S.C. § 3162(a), to dismiss the indictment with prejudice. The grounds for the instant motion are set forth in the accompanying memorandum of law.

Respectfully submitted,
CARLOS ESPINOLA
By his attorney,

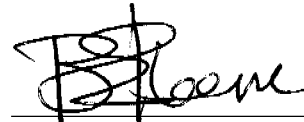


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CERTIFICATE OF SERVICE

I certify that I have served the foregoing document by hand-delivering a copy to the office of the United States Attorney for the District of Massachusetts, to the attention of AUSA David Tobin, 1 Courthouse Way, Boston, MA 02210 this 22nd day of October, 2004.

A handwritten signature in black ink, appearing to read "B. Keene", written over a horizontal line.

Bradford Eliot Keene